

EXHIBIT C
to Declaration of Rachel S. Doughty

1 DANIEL C. SNYDER (Oregon State Bar No. 105127)

Admitted *pro hac vice*

2 PUBLIC JUSTICE

1620 L Street NW, Suite 630

3 Washington, DC 20036

Telephone: (202) 861-5251

4 Facsimile: (202) 232-7203

dsnyder@publicjustice.net

5 *Pro Hac Vice*

6 Rachel S. Doughty (Cal. Bar No. 255904)

Lily A. Rivo (Cal Bar No. 242688)

7 GREENFIRE LAW, PC

8 2478 Adeline Street, Suite A

Berkeley, CA 94703

9 Ph/Fax: (510) 900-9502

Email: RDoughty@greenfirelaw.com

10 LRivo@greenfirelaw.com

11 *Attorneys for Plaintiff, U.S. Right to Know*

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13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

15 U.S. RIGHT TO KNOW,

16 Plaintiff,

17 vs.

18 UNITED STATES DEPARTMENT OF
19 DEFENSE, UNIFORMED SERVICES
20 UNIVERSITY OF THE HEALTH
21 SCIENCES,

22 Defendant

Case No.: 23-CV-02956-TSH

**DECLARATION OF RICHARD DRURY IN
SUPPORT OF PLAINTIFF'S MOTION FOR
ATTORNEYS' FEES AND COSTS**

Hearing Date: March 20, 2025

Time: 10:00 a.m.

Judge: Hon. Thomas Hixson

Dept: E – 15th Floor

1 I, Richard T. Drury, hereby declare as follows:

2 1. I submit this declaration in support of Plaintiff's Motion for Award of Costs and
3 Attorneys' Fees in the above-captioned matter. I have personal knowledge of the matters stated
4 herein and, if called as a witness, could and would competently testify thereto.

5 *Background and Expertise*

6 2. I am licensed to practice law in the State of California and am a partner with Lozeau
7 Drury in Oakland, California. I graduated from Yale Law School in 1990, where I received the
8 Raphael Lemkin Prize for outstanding work in international human rights for a book on international
9 human rights law which was later published as *Plowshares and Swords* (Beacon Press, 1992). After
10 graduating from law school, I served as a judicial law clerk to Chief Judge Thelton E. Henderson of
11 the United States District Court for the Northern District of California from 1990 to 1992. Following
12 my clerkship, I worked as a law fellow at Shute, Mihaly & Weinberger LLP from 1992 to 1993.

13 3. For a decade (1993-2003) I worked as staff attorney and Legal Director for
14 Communities for a Better Environment ("CBE"). While at CBE, I specialized in public interest
15 litigation and successfully prosecuted over 50 lawsuits in both state and federal court, including
16 trials, summary judgments, and settlements. In 2003, I moved from CBE to Adams, Broadwell,
17 Joseph & Cardozo, where I represented workers, community groups, and public interest
18 organizations in cases related to land use, public health, and the environment. Since May 1, 2008, I
19 have been a founding partner of Lozeau Drury LLP, where I continue to represent workers,
20 community groups, and public interest organizations. I have been an Adjunct Professor at the
21 University of California Berkeley School of Law (formerly Boalt Hall), Golden Gate University
22 School of Law, and the New College School of Law. I have been named a SuperLawyer every year
23 since 2008.

24 *Fee Award Expertise*

25 4. As a practicing California lawyer for over thirty years, I am very familiar with rates
26 charged by public interest lawyers in the San Francisco Bay Area and the market for services
27 performed by attorneys with the level of experience and competence of the lawyers in this action. I

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1 have had numerous cases in state and federal court in the California, including in the San Francisco
2 Bay Area. My familiarity with rates in the Northern District of California comes from obtaining
3 court-awarded fees in many cases, obtaining fees through settlement, being involved in attorneys'
4 fees litigation, by discussing fees with other attorneys, by studying published surveys of billing
5 rates, and by obtaining declarations regarding prevailing market rates in cases where my clients
6 have sought payment of reasonable attorneys' fees and costs.

7 5. Our firm currently has clients in the San Francisco Bay Area who pay our partners
8 hourly rates ranging from \$700 and \$950 per hour and who pay associates at our firm rates ranging
9 from \$375 to \$550 per hour.

10 6. Our firm regularly files petitions for attorney fees under various statutes. For
11 example, in 2023 our firm was awarded partner rates of \$900 per hour, associate rates between \$430
12 and \$500 per hour, and paralegal rates of \$200 per hour, plus a 1.5 multiplier in a contested fee
13 motion in *Coalition of Pacificans for an Updated Plan v. City of Pacifica*, San Mateo Case No. 20-
14 CIV-05719. In the 2021 case of *Durkin v. City and County of San Francisco, San Francisco*
15 *Superior Court Case*, No. CPF-20-517317, Judge Rochelle East awarded me an hourly rate of \$850
16 per hour, plus a multiplier of 1.75 in a contested fee motion (increasing the effective rate to \$1,487
17 per hour). In the case of *Fowler v. City of Lafayette*, Contra Costa Superior Court Case No. MSN
18 16-2322 (Dec. 4, 2020), Judge Ed Weil found in a contested motion that an hourly rate of \$750 per
19 hour was appropriate for my work on an attorney fee motion.

20 7. I am also familiar with cases awarding attorney's fees, including awards in the
21 Northern District of California. For example, the U.S. District Court for the Northern District of
22 California approved hourly rates of \$1,085 for a partner with forty years of experience, \$920 for a
23 partner with twenty years of experience, \$710 for a sixth-year associate, and \$640 for a fourth-year
24 associate as reasonable. *See Wynn v. Chanos*, 2015 WL 3832561, at *2-3 (N.D. Cal. Aug. 15,
25 2019).

26 8. In *National Abortion Federation v. Center for Medical Progress*, N.D. Cal. Case No.
27 3:15-CV-03522-WHO, Judge Orrick expressly found the following rates to be reasonable in 2021:
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1 \$800 to \$1,200 per hour for partners; \$405 to \$925 per hour for associates; \$260 to \$400 per hour
2 for paralegals.

3 9. In *Banas v. Volcano Corp.*, the Northern District approved hourly market rates for
4 this forum for attorneys ranging from \$355- \$1,095 per hour for partners and associates and \$245-
5 \$290 per hour for paralegals for work conducted over seven years ago. 47 F. Supp. 3d 957, 965-66
6 (N.D. Cal. 2014); *see also Hefler v. Wells Fargo & Co.*, 2018 WL 6619983 at *14 (N.D. Cal. Dec.
7 18, 2018), *aff'd* 802 F. App'x 285 (9th Cir. 2020) (approving hourly rates in the range of \$650-
8 \$1,250 for partners, \$400-\$650 for associates, and \$245-\$350 for paralegals).

9 10. In *re Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability*
10 *Litigation* (N.D. Cal. Mar. 17, 2017, MDL No. 2672 CRB (JSC)) 2017 WL 1047834, at *5
11 (approving hourly rate ranges of \$275-\$1,600 for partners, \$150-\$790 for associates, and \$80-\$490
12 for paralegals as reasonable).

13 11. In *BladeRoom Grp., Ltd. v. Emerson Elec. Co.*, 2020 WL 1677328 (N.D. Cal. Apr. 6,
14 2020), the court found the following 2019 hourly rates reasonable: \$640-\$901 for partners, \$385-
15 \$650 for senior associates, \$325-\$595 for associates, \$305-\$330 for senior paralegals, and \$225-
16 \$385 for administrative staff.

17 12. In *Hefler v. Wells Fargo & Co.*, No. 16-cv-05479-JST, 2018 WL 6619983, at *14
18 (N.D. Cal. Dec. 18, 2018), *aff'd* 802 F. App'x 285 (9th Cir. 2020), hourly rates were approved in the
19 range of \$650 to \$1,250 for partners, \$400 to \$650 for associates, and \$245 to \$350 for paralegals.

20 13. In *Department of Fair Employment and Housing v. Law School Admission Council,*
21 *Inc.*, N.D. Cal. No. 12-cv-08130-JCS, filed Nov. 5, 2018, reported at 2018 WL 5791869, the court
22 found the following hourly rates reasonable: \$850 for an attorney with 35 years' experience, \$425
23 for an associate with 5-6 years of experience, and \$290 for a law clerk and first year attorney.

24 14. In *Ridgeway v. Wal-Mart Stores, Inc.*, 269 F. Supp. 3d 975 (N.D. Cal. 2017), the
25 court issued a statutory fee award on the following 2017 rates (plus a 2.0 multiplier), Partners:
26 \$730- \$900 per hour; Associates: \$300-\$700 per hour; Paralegals: \$195- \$225 per hour.

1 15. In *Perfect 10, Inc. v. Giganews, Inc.*, No. CV 11-07098-AB SHX, 2015 WL 1746484
2 (C.D. Cal. Mar. 24, 2015), *aff'd*, 847 F.3d 657 (9th Cir. 2017), the Central District Court of
3 California approved partner rates ranging from \$750 to \$930 per hour, and associate rates ranging
4 from \$360 to \$690 per hour.

5 16. In 2010, the Ninth Circuit Court approved an attorney's fee award of \$740 for a
6 partner, and associate rates of \$340 and \$370. *See Prison Legal News v. Schwarzenegger*, 608 F.3d
7 446 (9th Cir. 2010). In 2010, the California Court of Appeal noted that "partners at a San Francisco
8 firm [charge] between \$495 and \$775, and associates charge between \$275 and \$485." *Center for*
9 *Biological Diversity v. County of San Bernardino*, 185 Cal.App.4th 866, 900 (2010).

10 17. In *Kennedy Commission v. City of Huntington Beach* (2023) 91 Cal.App.5th 436, the
11 California Court of Appeal upheld an attorneys' fee award in an action brought in the County of Los
12 Angeles in which the billing rates claimed by one firm ranged from \$400 per hour for junior
13 attorneys to \$1,125 per hour for senior partners. 91 Cal.App.5th at 450, 465-66. The court also
14 upheld the awarding of a multiplier of 1.4. *Id.* at 466-67. In my experience, rates in Los Angeles are
15 similar to Bay Area rates.

16 18. I am also familiar with attorney's fees recently awarded to Greenfire Law, PC. For
17 example, in *Lower Austin-Kidd Creek Conservancy v. California Department of Forestry and Fire*
18 *Protection, et al.*, Sonoma County Superior Court, SCV-262831 (June 21, 2023), the Court awarded
19 Rachel Doughty an hourly rate of \$612 and Christian Bucey an hourly rate of \$407. In *Willits*
20 *Environmental Center v. Board of Supervisors of Mendocino County*, Mendocino County Superior
21 Court, 21CV00474 (January 6, 2023), the Court granted Rachel Doughty an hourly rate of \$720,
22 and Greenfire Law administrative staff hourly rates ranging between \$100 to \$250. In *Trinity Action*
23 *Association Inc. v. County of Trinity*, Trinity County Superior Court, 19cv001 (April 22, 2022), the
24 Court granted Rachel Doughty an hourly rate of \$720 and Jessica Taylor an hourly rate of \$400. In
25 *Association of Independent Judicial Interpreters of California v. Superior Court of California,*
26 *Orange County*, Los Angeles Superior Court, 30-2018-01024591 (August 11, 2020), a case
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1 involving disclosure of public records, the Court awarded Rachel Doughty an hourly rate of \$575,
2 Jessica Blome an hourly rate of \$500, and an hourly rate of \$200 for paralegal work.

3 19. Another useful benchmark in determining reasonable market rates is the adjusted
4 Laffey Matrix, named after *Laffey v. Northwest Airlines, Inc.*, 572 F. Supp. 354, 371 (D.D.C.
5 1983). Courts have relied on the updated Laffey Matrix, *Smith v. District of Columbia*, 466 F.
6 Supp. 2d 151, 156 (D.D.C. 2006), including federal courts in the Northern District of California.
7 *Kempf v. Barrett Bus. Servs.*, No. C-06-3161 SC, 2007 WL 4167016 (N.D. Cal. Nov. 20, 2007),
8 aff'd, 336 Fed.Appx. 658 (9th Cir. 2009) (finding attorneys' requested fees reasonable when
9 compared to rates in the updated Laffey Matrix). While reliance on the Laffey Matrix (adjusted
10 for local rates) is not mandatory, courts have held that it is a useful indicator of billing rates in
11 conjunction with attorney declarations and other information. *See Syers Properties III, Inc. v.*
12 *Rankin*, 226 Cal. App. 4th 691, 702 (2014).

13 20. The Laffey Matrix is available on-line at <http://www.laffeymatrix.com/see.html>.
14 According to the most recent Laffey Matrix, current market rates are: paralegals - \$258; 1-3 year
15 lawyers - \$473; 4-7 year lawyers - \$581; 8-10 year lawyers - \$839; 11-19 year lawyers - \$948; 20+
16 year lawyers - \$1,141.

17 *Fees for Current Case*

18 21. I am familiar with this litigation. I have reviewed materials that describe and underlie
19 this matter, including Plaintiff's Complaint (Dkt. 1); Case Management Order Setting 60-day
20 Deadline for Production (Dkt. 24); relevant communications between parties concerning applied
21 exemptions and withholdings; and settlement communications.

22 22. I am familiar with Plaintiff's counsel's detailed January 3, 2024, request that
23 Defendants re-evaluate withholdings. Following months-long communications concerning the
24 same, I am also familiar with the re-production which ultimately removed challenged exemptions.

25 23. I have reviewed the resumes and background of Plaintiffs' counsel, including Daniel
26 Snyder and the work of the nonprofit legal advocacy organization for which he serves as the
27 Director of the Environmental Enforcement Project, Public Justice. I am also personally familiar
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1 with Greenfire Law, PC, and its principal, Rachel Doughty. I am aware that Greenfire Law and Ms.
2 Doughty have a reputation for high quality public interest work.

3 24. As noted, I frequently bring cases in California, including in the Northern District of
4 California, and have studied the prevailing market rates for attorneys in these areas. In doing so, I
5 have consulted with colleagues about prevailing market rates for work in these courts and reviewed
6 rates based on fee awards.

7 25. It is my opinion that the following rates for counsel who billed time in this matter are
8 consistent with, or substantially lower than, rates for attorneys with similar skill and experience for
9 comparable litigation in the Northern District of California. This belief is based on discussion with
10 other attorneys, preparation of attorneys' fee applications in other matters in state and federal court,
11 applicable case law, fee rate analysis as described above, and my personal experience with public
12 interest litigation in California.

13 26. Based on my experience in public interest litigation, the materials I have reviewed,
14 including prior fee awards, it is my opinion that the market rates identified by Plaintiffs' counsel are
15 well within the range of, if not below, prevailing market rates for attorneys with comparable
16 expertise and skill in the San Francisco Bay Area. In my opinion:

17 **A. Rachel Doughty.** The market rate of \$878 for Ms. Doughty, who has 20 years of
18 experience, who is the founding and managing shareholder of Greenfire Law, and who
19 managed Greenfire Law staffing of this case, is well below the market rate in the Bay Area,
20 with this forum and others recognizing higher rates for attorneys with similar experience,
21 and which would be at least \$1141 pursuant to the Laffey Matrix.

22 **B. Lily Rivo.** The market rate of \$777 for Lily Rivo, who has nearly 19 years of
23 experience, is well below the market rate in the Bay Area, with this forum and others
24 recognizing higher rates for attorneys with similar experience, and which would be at least
25 \$948 pursuant to the Laffey Matrix.

26 **C. Daniel Snyder.** The market rate of \$878 for Dan Snyder, who has nearly 18 years of
27 experience, is well below the market rate in the Bay Area, with this forum and others
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1 recognizing higher rates for attorneys with similar experience, and which would be at least
2 \$948 pursuant to the Laffey Matrix.

3 27. Several administrative staff were also vital to the prosecution of this case, and it is
4 my opinion that a reasonable market rate is at least \$175 to \$239 for legal secretaries and staff and
5 \$275 for senior paralegal work and translation work.

6 28. I note that Plaintiff achieved excellent results, as demonstrated by the fact that
7 through their diligent and detailed analysis, they achieved a near complete lifting of exemptions and
8 withholdings set forth by Defendant in their initial production of documents. Plaintiff's counsel
9 carefully analyzed exemptions, drafted a 25-page letter of January 3, 2024, to counsel for Defendant
10 indicating issues with specific records, and subsequently engaged in follow-up communications. I
11 understand that in comparison, the production of November 2023 to that of July 2024, demonstrates
12 that Uniformed Services University of the Health Sciences ("USU") abandoned nearly all
13 challenged exemptions.

14 29. In short, the number of hours spent by counsel in this case are reasonable, and
15 particularly in the absence of motion practice and the excellent results as indicated above.

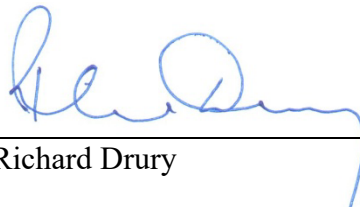
16 30. The expense and risk of public interest litigation has not diminished over the years;
17 to the contrary, these cases are in many ways more difficult than ever. As a result, fewer and fewer
18 attorneys and firms are willing to take on such litigation, and the few who are willing to do so can
19 only continue if their fee awards reflect true market value. I understand that Plaintiff diligently
20 searched for counsel willing to take on the financial risk of litigating this case, and reimbursement
21 of legal fees encourages the litigation of meritorious FOIA claims. *See Texas v. ICC*, 935 F. 2d 728,
22 733 (5th Cir. 1991). Plaintiff and its counsel experienced a significant risk that they may have
23 received no monetary recovery for their substantial time expenditures. I believe a multiplier of 1.5 or
24 higher is appropriate to compensate for this contingent risk as well as the exceptional result of the
25 litigation.

26 31. I declare under penalty of perjury under the laws of the State of California that the
27 foregoing is true and correct to the best of my knowledge and belief.

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Executed on December 23, 2024 in Oakland, California.

By: 
Richard Drury

Under N.D. Cal. Local Rule 5-1(i)(3), in lieu of a signature, I attest that I obtained approval,
on December 23, 2024, from Mr. Drury for the filing of this declaration.

/s/ Rachel Doughty
Rachel Doughty
ATTORNEY FOR PLAINTIFF